

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Emergency Regulation

Title of Regulation: **4VAC20-252. Pertaining to the Taking of Striped Bass (amending 4VAC20-252-20, 4VAC20-252-80, 4VAC20-252-100; repealing 4VAC20-252-60, 4VAC20-252-70).**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: April 29, 2019, through May 28, 2019.

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Preamble:

The amendments eliminate the Bay, Coastal, and Potomac River tributaries spring trophy-size striped bass recreational fisheries.

4VAC20-252-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Chesapeake area" means the area that includes the Chesapeake Bay and its tributaries and the Potomac River tributaries.

"Chesapeake Bay and its tributaries" means all tidal waters of the Chesapeake Bay and its tributaries within Virginia, westward of the shoreward boundary of the Territorial Sea, excluding the coastal area and the Potomac River tributaries as defined by this section.

"Coastal area" means the area that includes Virginia's portion of the Territorial Sea, plus all of the creeks, bays, inlets, and tributaries on the seaside of Accomack County, Northampton County (including areas east of the causeway from Fisherman Island to the mainland), and the City of Virginia Beach (including federal areas and state parks, fronting on the Atlantic Ocean and east and south of the point where the shoreward boundary of the Territorial Sea joins the mainland at Cape Henry).

"Commercial fishing" or "fishing commercially" or "commercial fishery" means fishing by any person where the catch is for sale, barter, trade, or any commercial purpose, or is intended for sale, barter, trade, or any commercial purpose.

"Commission" means the Marine Resources Commission.

"Great Wicomico-Tangier Striped Bass Management Area" means the area that includes the Great Wicomico River and those Virginia waters bounded by a line beginning at Dameron Marsh at NAD 83 North Latitude 37-46.9535, West Longitude 76-17.1294; thence extending to the southernmost point of Tangier Island, and thence north to a point on the Virginia-Maryland state boundary at NAD 83 North Latitude 37-57.0407, West Longitude 75-58.5043, thence westerly along the Virginia-Maryland state boundary to Smith Point.

"Potomac River tributaries" means all the tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the District of Columbia boundary.

"Recreational fishing" or "fishing recreationally" or "recreational fishery" means fishing by any person, whether licensed or exempted from licensing, where the catch is not for sale, barter, trade, or any commercial purpose, or is not intended for sale, barter, trade, or any commercial purpose.

"Recreational vessel" means any vessel, kayak, charter vessel, or headboat participating in the recreational striped bass fishery.

"Share" means a percentage of the striped bass commercial harvest quota.

"Snout" means the most forward projection from a fish's head that includes the upper and lower jaw.

"Spawning reaches" means sections within the spawning rivers as follows:

1. James River from a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point.
2. Pamunkey River from the Route 33 Bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore.
3. Mattaponi River from the Route 33 Bridge at West Point upstream to the Route 360 bridge at Aylett.
4. Rappahannock River from the Route 360 Bridge at Tappahannock upstream to the Route 1 Falmouth Bridge.

"Spear" or "spearing" means to fish while the person is fully submerged under the water's surface with a mechanically aided device designed to accelerate a barbed spear.

"Striped bass" means any fish of the species *Morone saxatilis*, including any hybrid of the species *Morone saxatilis*.

"Total length" means the length of a fish measured from the most forward projection of the snout, with the mouth closed, to the tip of the longer lobe of the tail (caudal) fin, measured with the tail compressed along the midline, using a straight-line measure, not measured over the curve of the body.

~~"Trophy size striped bass" means any striped bass that is 36 inches or greater in total length.~~

4VAC20-252-60. Bay and Coastal spring trophy size striped bass recreational fisheries. (Repealed.)

~~A. The open season for the Bay spring trophy size striped bass recreational fishery shall be May 1 through June 15, inclusive.~~

~~B. The area open for the Bay spring trophy size striped bass recreational fishery shall be the Chesapeake Bay and its tributaries, except the spawning reaches of the James, Pamunkey, Mattaponi, and Rappahannock Rivers.~~

~~C. The open season for the Coastal spring trophy size striped bass recreational fishery shall be May 1 through May 15, inclusive.~~

~~D. The area open for the Coastal spring trophy size striped bass recreational fishery is the coastal area as described in 4VAC20-252-20.~~

~~E. The minimum size limit for the fisheries described in this section shall be 36 inches total length.~~

~~F. The possession limit for the fisheries described in this section shall be one fish per person.~~

~~G. It shall be unlawful for any person participating in any Bay spring trophy size striped bass recreational fishery or Coastal spring trophy size striped bass recreational fishery to possess or~~

~~land any trophy size striped bass from a recreational vessel unless the captain or operator of that recreational vessel has obtained a Spring Recreational Striped Bass Trophy Permit. The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his Marine Resources Commission identification (MRC ID) number, the date of harvest, the number of individuals on board, the mode of fishing, the water body where the trophy size striped bass was caught, and the number of trophy size striped bass kept or released.~~

~~H. It shall be unlawful for any person participating in any Bay spring trophy size striped bass recreational fishery or Coastal spring trophy size striped bass recreational fishery to possess or land any trophy size striped bass harvested recreationally from shore, a pier, or any other man-made structure without first having obtained a Spring Recreational Striped Bass Trophy Permit from the Marine Resources Commission. Any such permittee shall provide his MRC ID number, the date of harvest, the mode of fishing, the water body where the trophy size striped bass was caught, and the number of trophy size striped bass kept or released.~~

~~I. It shall be unlawful for any spring recreational striped bass trophy permittee or any charter boat striped bass permittee to fail to report trips where striped bass are caught, whether harvested, released, or possessed, as described in this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where striped bass are targeted but not successfully caught by the 21st day after any close of the Bay spring trophy size striped bass recreational fishery or Coastal spring trophy size striped bass recreational fishery.~~

~~1. Any permittee who did not participate in any Bay spring trophy size striped bass recreational fishery or Coastal spring trophy size striped bass recreational fishery shall notify the commission of his lack of participation by the 21st day after the close of any Bay spring trophy size striped bass recreational fishery or Coastal spring trophy size striped bass recreational fishery on forms provided by the commission or through the Virginia Saltwater Fisherman's Journal.~~

~~2. Following the 21st day after the close of any Bay spring trophy size striped bass or Coastal spring trophy size striped bass recreational season, any permittee who failed to report, whether there was harvest or no activity during that season, shall be ineligible to receive a Spring Recreational Striped Bass Trophy Permit for the following trophy size striped bass season but shall be eligible to reapply for that permit in subsequent years.~~

~~4VAC20-252-70. Potomac River tributaries spring trophy size striped bass recreational fishery. (Repealed.)~~

~~A. The open season for the Potomac River tributaries spring striped bass recreational fishery shall correspond to the open season as established by the Potomac River Fisheries Commission for the mainstem Potomac River spring fishery.~~

~~B. The area open for this fishery shall be those tributaries of the Potomac River that are within Virginia's jurisdiction beginning with, and including, Flag Pond thence upstream to the Route 301 bridge.~~

~~C. The minimum size limit for this fishery shall correspond to the minimum size limit as established by the Potomac River Fisheries Commission for the mainstem Potomac River spring trophy size fishery.~~

~~D. The possession limit for this fishery shall be one fish per person.~~

~~E. It shall be unlawful for any person participating in any Potomac River tributaries spring trophy size striped bass recreational fishery to possess or land any trophy size striped bass from a recreational vessel unless the captain or operator of that recreational vessel has obtained a Spring Recreational Striped Bass Trophy Permit. The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his Marine Resources Commission identification (MRC ID) number, the date of harvest, the number of individuals on board, the mode of fishing, the water body where the trophy size striped bass was caught, and the number of trophy size striped bass kept or released.~~

~~F. It shall be unlawful for any person participating in any Potomac River tributaries spring trophy size striped bass recreational fisheries to possess or land any trophy size striped bass harvested recreationally from shore, a pier, or any other man-made structure without first having obtained a Spring Recreational Striped Bass Trophy Permit from the Marine Resources Commission. Any such permittee shall provide his MRC ID number, the date of harvest, the mode of fishing, the water body where the trophy size striped bass was caught, and the number of trophy size striped bass kept or released.~~

~~G. It shall be unlawful for any spring recreational striped bass trophy permittee or any charter boat striped bass permittee to fail to report trips where striped bass are caught, whether harvested, released, or possessed, as described in this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where striped bass are targeted but not successfully caught by the 21st day after the close of any Potomac River tributaries spring trophy size striped bass recreational fishery.~~

~~1. Any permittee who did not participate in any Potomac River tributaries spring trophy size striped bass recreational fishery shall notify the commission of his lack of participation by the 21st day after the close of any Potomac River tributaries spring trophy size striped bass recreational fishery on forms provided by the commission or through the Virginia Saltwater Fisherman's Journal.~~

~~2. Following the 21st day after the close of any Potomac River tributaries recreational spring trophy size striped bass season, any permittee who failed to report, whether there was harvest or no activity during that season, shall be ineligible to receive a Spring Recreational Striped Bass Trophy Permit for the following trophy size striped bass season but shall be eligible to reapply for that permit in subsequent years.~~

4VAC20-252-80. Bay Spring/Summer Striped Bass Recreational Fishery.

A. The open season for the Bay Spring/Summer Striped Bass Recreational Fishery shall be May 16 through June 15 inclusive.

B. The area open for this fishery shall be the Chesapeake Bay and its tributaries.

C. The minimum size limit for this fishery shall be 20 inches total length, and the maximum size limit for this fishery shall be 28 inches total length, ~~except as provided in subsection E of this section.~~

D. The possession limit for this fishery shall be two fish per person.

~~E. The possession limit described in subsection D of this section may consist of one trophy size striped bass 36 inches or greater in total length, which is subject to the provisions of subsections A, B, E, F, G, H, I, and J of 4VAC20-252-60.~~

4VAC20-252-100. Potomac River tributaries summer/fall striped bass recreational fishery.

A. The open season for the Potomac River tributaries summer/fall striped bass fishery shall correspond to the open summer/fall season as established by the Potomac River Fisheries Commission for the mainstem Potomac River, except as provided in subsection D of this section.

B. The area open for this fishery shall be the Potomac River tributaries.

C. The minimum size limit for this fishery shall be 20 inches total length.

D. The maximum size limit for this fishery shall be 28 inches total length; ~~however, the maximum size limit shall only apply to one fish of the possession limit~~ from May 16 through June 15.

E. The possession limit for this fishery shall be two fish per person.

VA.R. Doc. No. R19-5973; Filed April 25, 2019, 3:57 p.m.